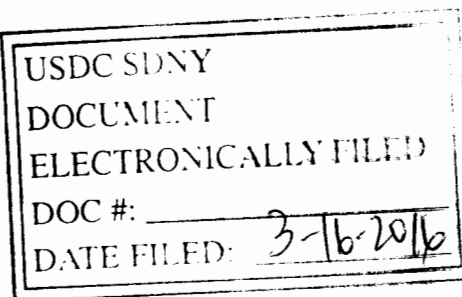


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Attorneys for Defendant



**UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK**

PALMER/KANE, LLC,

Plaintiff,

v.

BEHRMAN HOUSE, INC.,

Defendant.

Civil Action No.: 1:16-cv-0677-LTS

STIPULATION

Plaintiff Palmer/Kane, LLC ("Palmer/Kane") and Defendant Behrman House, Inc.

("Defendant"), through their respective counsel of record, hereby stipulate as follows:

WHEREAS, Palmer/Kane filed its Complaint on January 29, 2016, and filed its First
 Amended Complaint on February 4, 2016;

WHEREAS, Palmer/Kane has asserted a claim against Defendant for copyright
 infringement arising out of alleged publication of certain books containing photographs of
 Palmer/Kane beyond the scope of licenses secured by Defendant for use of such photographs;

WHEREAS, Palmer/Kane's Amended Complaint seeks, inter alia, an award of statutory
 damages and attorney's fees under the Copyright Act, and actual damages and profits
 "attributable to the infringing use of Palmer/Kane's creative works for the three years prior to
 February 1, 2013 and continuing" to present;

WHEREAS, pursuant to the Court's Individual Practices, Defendant advised Palmer/Kane of Defendant's intended motion to (1) dismiss Palmer/Kane's claim to recover statutory damages and attorney's fees and (2) limit Palmer/Kane's claim to recover actual damages and profits for alleged infringement that occurred in the three years prior to the filing of the complaint, i.e., dating back only to January 29, 2013, consistent with the statute of limitations under the Copyright Act;

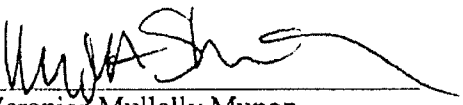
WHEREAS, after discussions between counsel, the Parties have agreed to enter a Stipulation to avoid the need for filing of Defendant's intended motion;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties that:

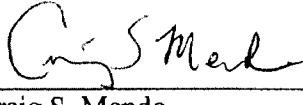
1. Palmer/Kane shall not be entitled to recover any statutory damages or attorney's fees under the Copyright Act in this case; and
2. Palmer/Kane shall not be entitled to recover any actual damages or profits attributable to any alleged acts of copyright infringement for any period prior to January 29, 2013.

Dated: New York, New York
March 15, 2015


PEARL COHEN ZEDEK LATXER BARATZ
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SO ORDERED:

 3/16/16

Hon. Laura Taylor Swain
United States District Judge